

**DECLARATION AND POWER OF ATTORNEY
FOR PATENT APPLICATION**

As a below named inventor, I hereby declare that: My residence, post office address and citizenship are as stated below next to my name. I believe I am the original, first, and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled **MERCHANDISER FOR WARM AND COLD FOODS**, the specification of which is attached hereto.

I hereby state that I have reviewed and understand the contents of the above-identified specifications, including the claims.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

I hereby appoint the following attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith: Philip B. Polster, Reg. No. 16,554, Frederick M. Woodruff, Reg. No. 15,301, J. Philip Polster, Reg. No. 24,739, Lionel L. Lucchesi, Reg. No. 25,891, William G. Bruns, Reg. No. 19,541, Edward A. Boeschstein, Reg. No. 22,986, William B. Cunningham, Jr., Reg. No. 26,155, Gregory E. Upchurch, Reg. No. 28,482, Ralph B. Brick, Reg. No. 17,444, Michael Kovac, Reg. No. 22,140, McPherson D. Moore, Reg. No. 28,449, J. Joseph Muller, Reg. No. 28,450, Richard J. Sher, Reg. No. 27,282, Jonathan P. Soifer, Reg. No. 34,932, Ned W. Randle, Reg. No. 35,989, and Martha A. Michaels, Reg. No. 20,453.

Direct all telephone calls to EDWARD A. BOESCHENSTEIN at Telephone No. (314) 872-8118.

Address all correspondence to Polster, Lieder, Woodruff & Lucchesi, L.C., 763 South New Ballas Road, St. Louis, MO 63141.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

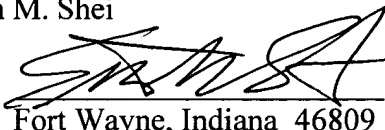
Full name of First Inventor: Steven M. Shei

Inventor's Signature:

Residence:

Citizenship:

Post Office Address:


Fort Wayne, Indiana 46809

Date: 10-4-99

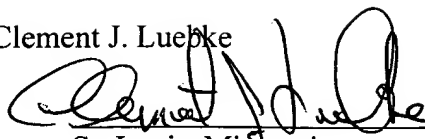
USA

11334 Branstrator Road

66107 6926460

Full name of Second Inventor: Clement J. Luebke

Inventor's Signature:



Date: 10-4-99

Residence:

St. Louis, Missouri

Citizenship:

USA

Post Office Address:

7464 Woodlawn Colonial Lane

55 FT " E926T460

Duke Manufacturing Company (DUKE 7227US)

Re: MERCHANDISER FOR WARM AND COLD FOODS

A merchandiser

B counter

| | | | |
|-----|--------------------|------|--------------------|
| 2. | upper compartment | 70. | recess |
| 4. | lower compartment | 72. | motor panel |
| 6. | top | 74. | intake panel |
| 8. | cutouts | 76. | intake opening |
| | | 78. | discharge slots |
| 12. | cold pan | 80. | beveled segment |
| 14. | closure assembly | 82. | thermal insulation |
| | | 84. | cross rails |
| 18. | heating unit | 86. | main panel |
| 20. | refrigeration unit | 88. | bottom panel |
| | | 90. | thermal insulation |
| 24. | front wall | 92. | flanges |
| 26. | back wall | 94. | arcuate notches |
| 28. | side walls | 96. | wire rack |
| 30. | bottom wall | | |
| 32. | inner panels | 100. | front door |
| 34. | outer panels | 102. | rear door |
| 36. | thermal insulation | 104. | hinge bracket |
| 38. | drain | . | |
| 40. | flange | 108. | handle |
| 42. | shelf | 110. | hinge brackets |
| 44. | angle brackets | 112. | handle |
| 46. | racks | | |
| 48. | menu bar | 116. | plenum |
| 50. | side walls | | |
| 52. | panel | 120. | motor |
| | | 121. | upper fan |
| 54. | post | 122. | lower fan |
| | | 123. | heat sink |
| 56. | hinge bracket | 124. | heating element |
| 58. | hinge bracket | 126. | temperature sensor |
| | | 127. | limit switch |
| 60. | lamp | 128. | controls |
| 62. | lamp shield | 130. | compressor |
| 64. | housing | 132. | condenser |
| 66. | shelf | 134. | frame |
| 68. | main panel | 136. | evaporator coil |
| 69. | end caps | | |

0544926T450

Applicant : Steven M. Shei and
Clement J. Luebke

Attorney's Docket No: DUKE 7227US

Serial No : **Filed** :

For : MERCHANDISER FOR WARM AND COLD FOODS

**VERIFIED STATEMENT (DECLARATION)
CLAIMING SMALL ENTITY STATUS
(37 CFR §1.9(f) AND §1.27(b))
INDIVIDUAL INVENTOR**

We hereby declare that we are:

- ☐ the owner of the small business concern identified below;
☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN : Duke Manufacturing Company
ADDRESS OF CONCERN : 2305 North Broadway
St. Louis, Missouri 63102

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 CFR § 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled MERCHANDISER FOR WARM AND COLD FOODS, by inventors Steven M. Shei and Clement J. Luebke, described in

- ☒ the Specification filed herewith.
☐ Application Serial No. , filed .
☐ Patent No. , issued .

If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights in the invention is listed below and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR § 1.9(c) if that person made the

09419263-101199
"E926T460"

which would not qualify as a small business concern under 37 CFR § 1.9(d) or a non-profit organization under 37 CFR § 1.9(e).

Note: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR § 1.27).

FULL NAME :
ADDRESS :

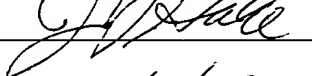
() Individual (X) Small Business Concern () Nonprofit Organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR § 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Name of Person Signing : Jack Hake
Title of Person : President

Address of Peson Signing : 2305 North Broadway
St. Louis, Missouri 63102

Signature : 
Date : 10/5/99